

**South Dakota Courts**  
**State Fiscal Year 2018**  
**Annual Statistical Report of the**  
**South Dakota Unified Judicial System**

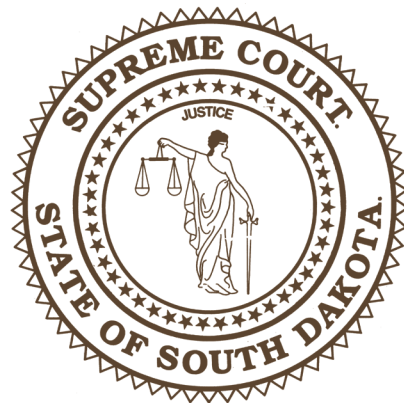
**Chief Justice**

David Gilbertson

**State Court Administrator**

Greg Sattizahn

**November 2018**



# South Dakota Unified Judicial System

*Our mission:*  
**Justice for All**

*Our vision:*  
**We are stewards of an open, effective, and accessible court system, worthy of the public's trust and confidence.**

## Members of the South Dakota Supreme Court in October 2018



Justices of the Supreme Court, left to right: Hon. Steven R. Jensen, Dakota Dunes, Fourth District; Hon. Steven L. Zinter, Pierre, Third District; Hon. David Gilbertson, Chief Justice, Lake City, Fifth District; Hon. Janine M. Kern, Rapid City, First District; and Hon. Mark E. Salter, Sioux Falls, Second District.





State of South Dakota  
Unified Judicial System  
Office of the State Court Administrator



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Pierre, SD 57501-5070

November 2018

Dear Friends:

It is my pleasure to present this Annual Report which highlights the workload and other activities undertaken by the Unified Judicial System from July 1, 2017 through June 30, 2018. This information is compiled and maintained by the State Court Administrator's Office and encompasses the work of South Dakota's Supreme Court, Circuit Courts, Magistrate Courts and the State Court Administrator's Office.

The statistics presented in this Annual Report would not be possible without the contributions of all our judicial personnel and the vital component they play in the process of reporting quality data. Should information you seek about the courts not be found in this Report nor on our website, please contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Sattizahn".

Gregory Sattizahn  
State Court Administrator

***Our Mission:*** Justice for All

***Our Vision:*** We are stewards of an open, effective, and accessible court system, worthy of the public's trust and confidence.



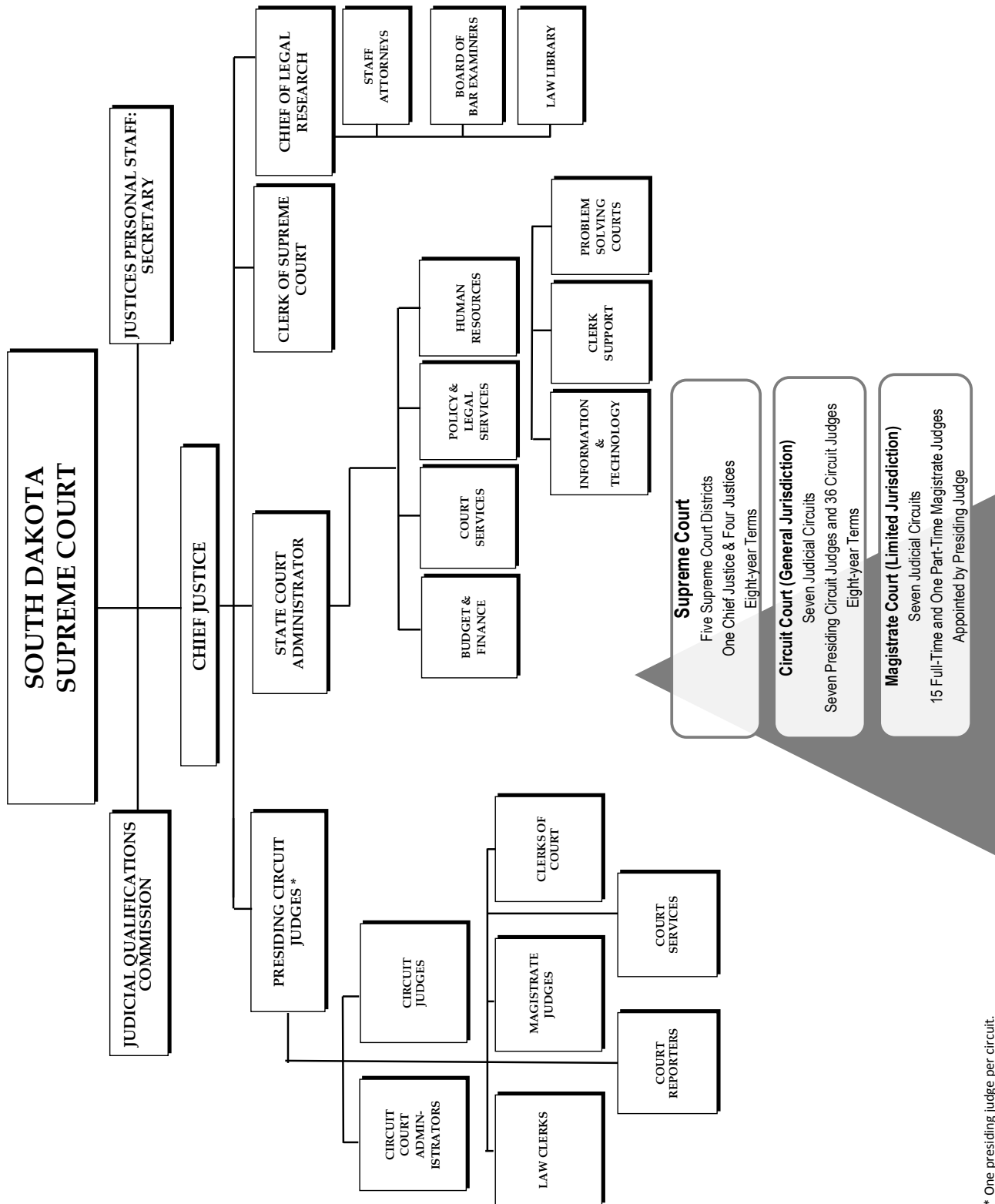


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# South Dakota Unified Judicial System Organizational Chart



## Justice in the Balance: Courts Work for South Dakotans

There is much more to the work of the courts than the occasional high-profile case that attracts public attention. The bulk of our work involves everyday problems that affect South Dakotans.

<p><b>Abused and Neglected Children</b></p> <p>Our courts play a life-altering role in the lives of abused and neglected children. They decide whether to:</p> <ul style="list-style-type: none"> <li>• Remove a child from a parent</li> <li>• Place a child in foster care</li> <li>• Reunite a child and parent or terminate parental rights</li> <li>• Allow adoption of a child</li> </ul> <p>There is no greater responsibility of the judiciary than determining the best interest of a South Dakota child. In FY18, South Dakota's courts presided over 662 Juvenile Abuse and Neglect cases.</p>	<p><b>Victims Seeking Protection</b></p> <p>By issuing no-contact and protective orders, South Dakota's courts help shield victims of violence, abuse, and harassment from further harm. The majority of these are handled by parties representing themselves (without help from lawyers). In FY18, South Dakota judges processed:</p> <ul style="list-style-type: none"> <li>• 4,549 petitions for protection orders which included: <ul style="list-style-type: none"> <li>○ 2,620 domestic actions</li> <li>○ 1,929 stalking actions</li> </ul> </li> </ul> <p>Clerk of Court offices then notify local law enforcement officials and the Department of Public Safety of every order.</p>
<p><b>Troubled Youth</b></p> <p>South Dakota's court services officers, staff, and judges continuously work with thousands of troubled youth and their families to:</p> <ul style="list-style-type: none"> <li>• Ensure community safety</li> <li>• Hold young people accountable for their actions, including paying restitution to victims</li> <li>• Influence behavioral changes</li> <li>• Provide resources to assist families</li> </ul> <p>During FY18, CSOs worked with 572 youth to address their conduct without formal delinquency or CHINS petitions being filed. They also supervised 2,191 youth on formal probation and supervised another 216 juveniles via case service monitoring. In totality, the court handled:</p> <ul style="list-style-type: none"> <li>• 4,418 juvenile delinquency and CHINS cases</li> </ul>	<p><b>Families in Turmoil</b></p> <p>The problems of families in crisis demand a significant amount of court time and resources. In FY18, South Dakota's courts handled:</p> <ul style="list-style-type: none"> <li>• 4,032 divorce cases</li> <li>• 6,364 child support modification and foreign child support cases</li> <li>• 4,971 mental health and drug and alcohol commitment cases</li> <li>• 1,254 adoption, guardianship and trust cases</li> </ul> <p>To assist these families, the UJS provides self-represented litigants with UJS approved forms, which include divorce and parenting time enforcement forms.</p>

## Justice in the Balance: Courts Work for South Dakotans (Cont.)

<p><b>Civil Justice</b></p> <p>South Dakotans from every walk of life, whether in their private or business relationships, rely on the courts to resolve their civil legal problems. Providing a forum for the effective resolution of these disputes is an essential part of the mission of the courts. In FY18, our courts handled:</p> <ul style="list-style-type: none"> <li>• 26,111 small claims cases</li> <li>• 14,227 contract cases, liability and malpractice cases, employment issues, law and equity matters, and tort claims</li> <li>• 2,450 probate cases</li> <li>• 168 judicial review of agency action cases and expungement filings</li> </ul> <p>Civil cases can take anywhere from months to years before they are resolved, depending on a variety of factors. As a result, the courts experience an overlap in civil cases from year to year.</p> <p>The clerks of court offices are responsible for case processing and ensuring a sufficient pool of jurors are available for any trials.</p>	<p><b>Criminal Justice</b></p> <p>Criminal cases dominate court time and resources. South Dakota’s judges and court staff spend more time on criminal cases than on any other type of case. During FY18, our courts heard:</p> <ul style="list-style-type: none"> <li>• 12,259 felony and extradited cases</li> <li>• 22,144 aggravated or serious misdemeanor cases, of which 41.9% (9,279) were 1<sup>st</sup> and 2<sup>nd</sup> offense (Class 1 Misdemeanor) DUI cases</li> <li>• 29,634 contested Class 2 misdemeanor cases.</li> <li>• 86,150 uncontested Class 2 misdemeanor matters were processed by clerks of court</li> </ul> <p>In addition, court services officers formally supervised 9,001 cases in felony matters, and 890 cases on misdemeanor cases, plus informally supervised another 568 cases via case service monitoring.</p>
<p><b>Collection of Money</b></p> <p>While the court system does not generate revenue for its own sustainability, it is responsible for taking in and distributing fines, fees, penalties, and costs owed to victims, cities, counties, school districts, and the state. In FY18, clerks of court receipted (along with other amounts) the following:</p> <ul style="list-style-type: none"> <li>• \$3,064,815 for victims of crime</li> <li>• \$8,967,551 for school districts</li> <li>• \$73,870 for local domestic abuse programs</li> <li>• \$298,270 for advocates and attorneys for abused and neglected children</li> <li>• \$2,422,490 for court appointed attorneys, public defenders, and other legal aid</li> <li>• \$444,723 for municipal general funds</li> <li>• \$3,999,921 for county general funds</li> <li>• \$295,671 for other state funds</li> <li>• \$6,512,611 for court automation</li> <li>• \$3,082,128 for law enforcement officer and judicial education and training</li> </ul>	<p><b>Case History Information and Other Services</b></p> <p>South Dakota’s employers, landlords, media, and general public rely on our clerks of court for accurate information about criminal defendants, sentencing histories, and money owed on judgments. In FY18, there were 204,680 record search requests including 49,257 that were clerk-assisted and 155,423 criminal record searches that were completed on Public Access Record Search (PARS) system.</p> <p>In addition, the circuit clerks of court handled:</p> <ul style="list-style-type: none"> <li>• 722 passport applications</li> <li>• 524 weddings</li> </ul> <p>The Clerk of the Supreme Court processed:</p> <ul style="list-style-type: none"> <li>• 244 appeals</li> <li>• 25 intermediate appeals</li> <li>• 56 original proceedings</li> <li>• 1,130 orders, writs, and judgments</li> </ul> <p>The Board of Bar Examiners processed 188 applications from those seeking admission to practice law in South Dakota.</p>

# SUPREME COURT

The South Dakota Supreme Court is the state's highest court and the court of last resort for state appellate actions. The Supreme Court is comprised of the chief justice, who is the administrative head of the Unified Judicial System, and four justices who are entrusted to deliver the final judicial authority on all matters involving the legal and judicial system of South Dakota.

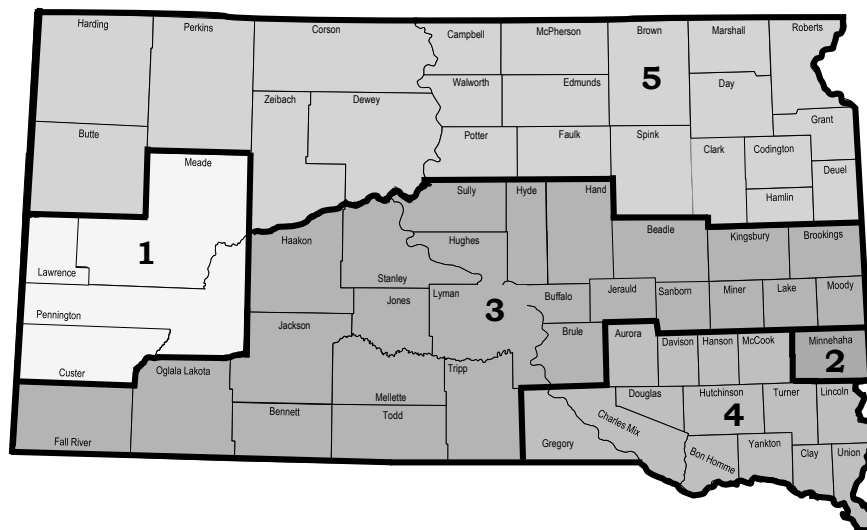
## Chief Justice and Four Justices

### Duties and Responsibilities of the Supreme Court include:

- Original jurisdiction in cases involving interests of the state;
- Issues original and remedial writs;
- Renders advisory opinions to Governor on issues involving executive power;
- Appellate jurisdiction over circuit court decisions;
- Rule-making authority over court practice and procedure;
- Administrative leadership for the legal and judicial system; and
- Controls admissions to and disciplines members of the State Bar.

Pursuant to a 1980 constitutional amendment, Supreme Court justices are appointed by the Governor from a list of nominees selected by the Judicial Qualifications Commission. All who sit on the Supreme Court must be licensed to practice law in the state and permanent justices must be voting residents of the district from which they are appointed at the time they take office (Map below).

## South Dakota Supreme Court Appointment Districts



## Supreme Court Workload

The workload of the Supreme Court is shown below and on the following page. The categories noted are those most commonly used within the Supreme Court.

“Intermediate Appeals” are appeals made during the progress of a case in circuit court. Intermediate appeals are accepted at the discretion of the Supreme Court.

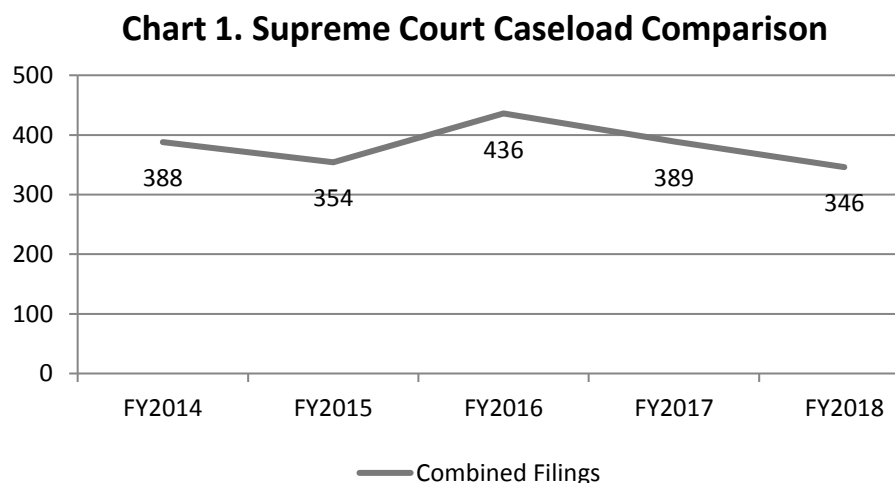
“Notice of Review” is filed by an appellee (party against whom an appeal is taken) seeking review of a judgment or order entered in the same action from which an appeal has been taken. A notice of review is a separate filing but not a separate disposition since it is disposed of as part of the original appeal.

“Certificates of Probable Cause” are required before an appeal can be brought in a habeas corpus case.

“Summary Dispositions” are appeals that have been summarily affirmed or reversed on established grounds set forth in SDCL §15-26A-87.1. In these proceedings the Court, on its own motion, may affirm or reverse the judgment or order from which the appeal is taken. The Court must be unanimous in its decision to render a summary disposition, and the decision is set out in an order or memorandum opinion. The term “expedited appeal” is sometimes used because it usually takes less time to process appeals under this rule.

“Pending Cases” are cases which have been filed with the Court but in which no decision has been entered.

“Administrative, Judicial, Legal Research, Law Library and Bar Admissions” are all part of the workload within the Supreme Court.





**Table 1. SUPREME COURT CASELOAD COMPARED BY FISCAL YEAR**

<b>Fiscal Year:</b>	<b>FY2014</b>	<b>FY2015</b>	<b>FY2016</b>	<b>FY2017</b>	<b>FY2018</b>
<b><u>FILINGS:</u></b>					
Appeals	290	282	298	271	244
Intermediate Appeals	38	28	83	29	25
Original Proceedings	28	24	30	66	56
Notice of Review	18	11	12	13	11
Certificates of Probable Cause	13	9	12	10	10
Reinstatements	1	0	1	0	0
Rehearings Granted	0	0	0	0	0
<b>COMBINED FILINGS</b>	<b>388</b>	<b>354</b>	<b>436</b>	<b>389</b>	<b>346</b>
<b><u>DISPOSITIONS:</u></b>					
Appeals / Original Proceedings	102/110	114/132	108/114	97/149	103/126
Orders of Dismissal/Dispositional Remands	108	109	103	97	96
Denial of Intermediate Appeals	27	11	28	20	21
Original Proceedings (by Order)	28	26	24	60	46
Dispositive Remand	0	1	0	1	2
Summary Dispositions	74	84	84	109	84
<b>COMBINED DISPOSITIONS</b>	<b>347</b>	<b>363</b>	<b>353</b>	<b>436</b>	<b>375</b>
<b><u>PENDING CASES:</u></b>					
Submitted and Pending	35	27	23	28	20
Ready for Submission	45	48	44	32	41
Not Ready for Calendar	109	115	120	107	80
Other (in Suspende)	4	4	3	4	6
<b>TOTAL PENDING CASES AT YEAR-END</b>	<b>193</b>	<b>194</b>	<b>190</b>	<b>171</b>	<b>147</b>
<b><u>ADMINISTRATIVE:</u></b>					
Hearings on Rules and Related Matters	2	2	2	3	2
Internal Procedure Rules Adopted or Amended	4	5	7	4	1
Supreme Court Rules Adopted or Amended	19	14	125	7	22
Administrative Conferences	24	23	22	21	21
<b><u>JUDICIAL:</u></b>					
Orders, Writs and Judgments Entered	1180	1170	1150	1145	1130
Bar Admissions (includes reciprocity)	116	99	96	91	106
Bar Admissions (pursuant to SDCL 16-18-2)	6	11	18	15	15
Oral Arguments (Actions/Submission)	32/35	34/37	32/42	26/36	22/29
Cases Submitted on Briefs	101	147/156	141/159	160/192	132/144
Case Conference Days	18	19	19	18	17
<b><u>LEGAL RESEARCH:</u></b>					
Appeals Screened	388	354	436	389	346
Cases Briefs Were Received In	228	223	235	238	190
Per Curiam Assigned	33	36	37	31	30
<b><u>BAR ADMISSIONS:</u></b>					
Applications Processed	137	141	156	164	188
Bar Inquiries Answered	1250	1300	1350	1425	1475

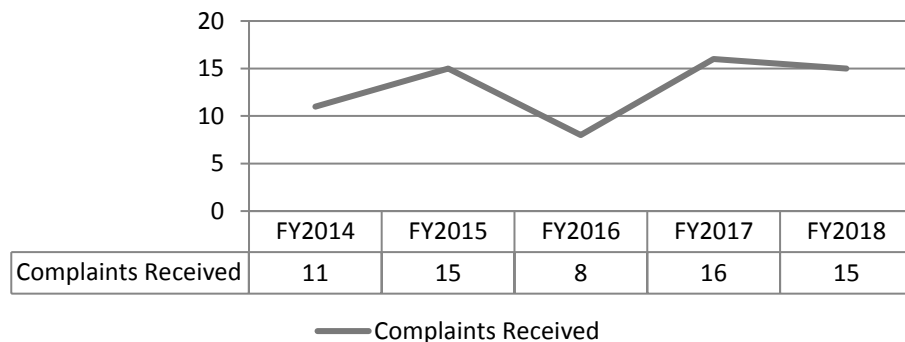
# JUDICIAL QUALIFICATIONS COMMISSION

The authority for creation of the Judicial Qualifications Commission is granted by the South Dakota Constitution.

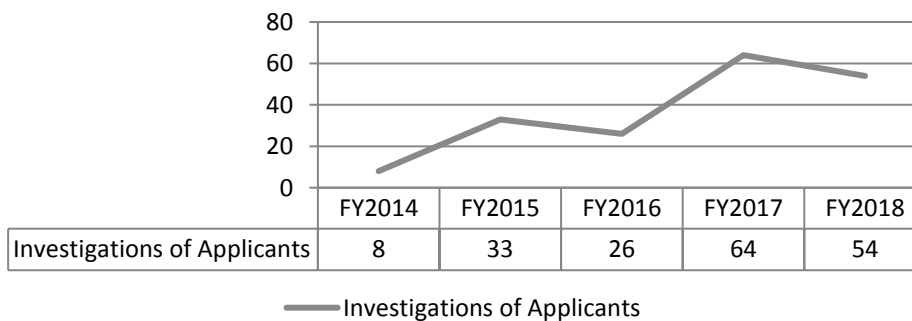
The seven-member commission is comprised of two circuit court judges, elected by the judicial conference; three members of the bar practicing law but no more than two of whom may be of the same political party and who must be appointed by a majority vote of the state bar commissioners; and two citizens, who are appointed by the Governor and who are not of the same political party. The term of office for a commission member is four years. No person may serve more than two terms as a member of the commission. The purpose of the Judicial Qualifications Commission is to:

- ◆ Receive and investigate complaints against justices or judges;
- ◆ Conduct confidential hearings to determine whether complaints are justified;
- ◆ Recommend censure, removal or retirement of a judge to the Supreme Court;
- ◆ Investigate applicants for vacancies on the Supreme Court or circuit court bench; and
- ◆ Nominate two or more of the most qualified applicants to the Governor.

**Chart 2. JQC Complaints Received by Fiscal Year**



**Chart 3. JQC Investigations of Applicants by Fiscal Year**



**Table 2.**  
**Judicial Qualifications Commission**  
***Complaints Received and Dispositions***

	FY2014	FY2015	FY2016	FY2017	FY2018
Oral Complaints/Inquiries (No action by JQC)	0	0	0	0	0
Written Complaints Received <sup>1</sup>	11	15	8	16	15
Complaints Disposed of <sup>2</sup>	12	14	7	16	15
Type of Cases:					
Prisoner Complaints (Includes Habeas Corpus)	7	2	0	3	1
Divorce/Child Custody/Child Support Issues	4	3	2	4	5
Protection Order Cases	0	2	1	1	1
Civil Trial Issues (Includes Decisions)	0	2	1	0	1
Criminal Trial Issues (Includes Sentencing)	7	3	2	7	2
Personal Conduct	0	1	1	0	1
Small Claims	1	2	2	1	2
Guardianship/Conservatorship	1	0	0	0	0
Other	0	0	0	0	1
Nature of Claims in Complaints:					
Inappropriate Conduct/Abuse of Position	8	6	1	5	4
On Bench Abuse of Authority	3	2	1	4	2
Lack of Demeanor/Decorum	1	3	1	0	0
Bias/Appearance of Bias	10	9	5	6	4
Unhappy with Result	3	1	1	8	8
Commission Dispositions:					
1. Dismissal due to:					
a. Insufficient Evidence to Proceed (Unsigned Complaint, Complainant Uncooperative)	0	0	0	0	0
b. Lack of Jurisdiction <sup>3</sup>	0	2	0	0	0
c. Resigned Due to JQC Investigation	0	0	0	0	0
d. Unsubstantiated	0	3	0	3	0
e. No Violation Found	11	8	6	12	14
2. Private Reprimand	1	0	1	0	1
3. Deferred Disciplinary Agreement	0	0	0	1	0
4. Public Censure	0	0	0	0	0
5. Recommendation for Suspension	0	0	0	0	0
6. Recommendation for Removal/Retirement	0	0	0	0	0
JQC Applicants:					
Judicial Vacancies	1	4	3	8	8
Applicant Interviews	8	33	26	64	54
Investigation of Applicants	8	33	26	64	54

<sup>1</sup>Written Complaints Received, Type of Cases and Nature of Claims in Complaints reflect complaints received in that fiscal year.

<sup>2</sup>Complaints Disposed of and Commission Dispositions reflect some complaints received in that fiscal year but not disposed of until the following fiscal year and some complaints that were both received and disposed of in this fiscal year.

<sup>3</sup>JQC does not have the authority to direct a judge to take legal action or to review a case for judicial error, mistake or other legal grounds. Those functions are for the State Supreme Court. Therefore, allegations stemming from a judge's ruling or exercise of discretion do not provide a basis (jurisdiction) for JQC action.

## STATE COURT ADMINISTRATOR'S OFFICE

Under supervision of the Chief Justice, who is the administrative head of the Unified Judicial System, the State Court Administrator is the non-judicial officer who implements the rules and policies of the Supreme Court as they apply to the operations and administration of the courts. The State Court Administrator serves as the liaison between the judicial branch and the other branches of state and local government. To ensure efficient and responsive operation, the State Court Administrator's Office (SCAO) provides centralized administrative assistance and support services to the entire Unified Judicial System. Information regarding the SCAO is available on our website at: [http://ujs.sd.gov/About the Courts/structure.aspx](http://ujs.sd.gov/About%20the%20Courts/structure.aspx).

The following is a brief summary of the functions of the SCAO:

- Assists in the formulation of fundamental policies, principles, and standards for court administration in South Dakota including initiating, researching, developing, implementing, and evaluating proposed policies, principles, and standards;
- Facilitates cooperation, consultation, and exchange of information by and among the circuit courts, the State Court Administrator's Office, the Supreme Court, and national, state, and local offices and organizations directly concerned with court administration, including tribal entities;
- Fosters the use of the principles and techniques of modern management in the field of court and judicial administration; and
- Endeavors to improve administrative practice and procedure in all state courts in South Dakota as well as increase the services received by the public.

## FINANCING THE JUDICIAL SYSTEM

The State Court Administrator's Office manages the fiscal operations of the Unified Judicial System. This office prepares and submits the annual budget, administers the annual operating budget, and manages a uniform accounting system for the receipt and disbursement of all funds handled by circuit and magistrate courts.

In addition to state funding, city and county governments are required by state law to pay for certain court-related expenses. Each county is responsible for supporting court operations by paying all jury and witness fees, transcript and interpreter costs, and attorney fees incurred while defending the indigent. Counties are also required to provide operational facilities for the court. Operational facilities include office space, courtrooms, jury rooms, and other space needed to support the court's operations. In addition, many counties maintain their own county law libraries, funded in part by a law library fee collected by the UJS on each civil filing made in circuit court.

## FY2018 Budget Breakdown

Chart 4. Expenditures by Program

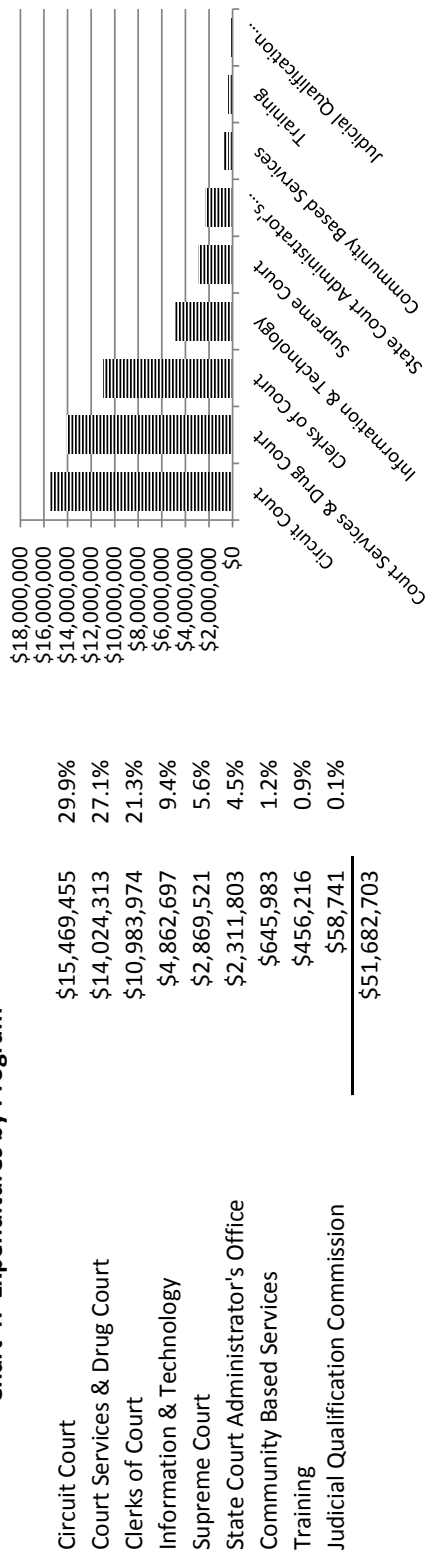
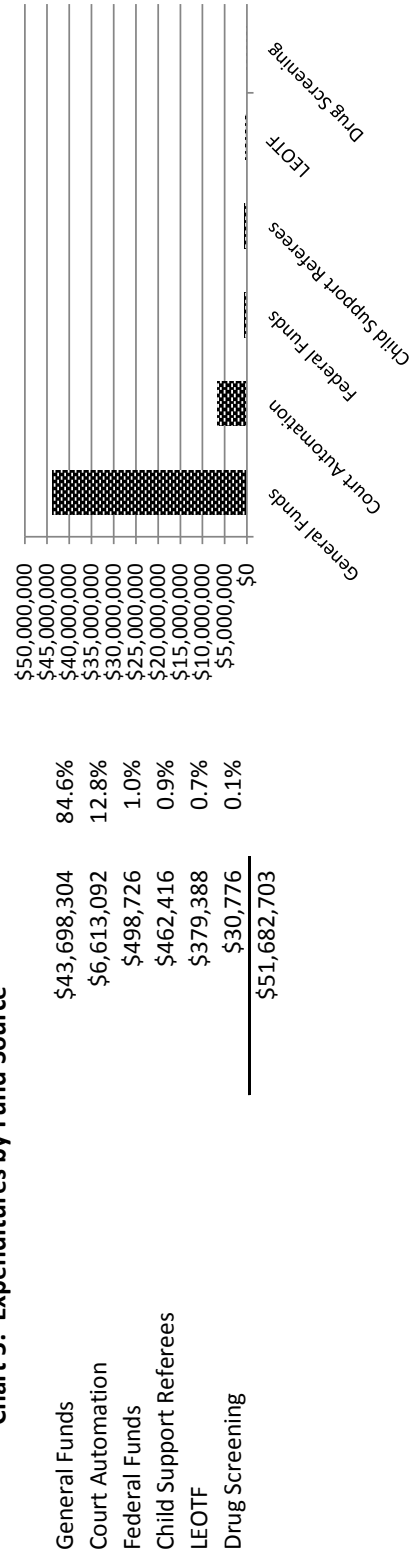


Chart 5. Expenditures by Fund Source



## CIRCUIT COURT

Circuit courts are the state's trial courts of general jurisdiction through which the bulk of criminal proceedings and civil litigation are processed. South Dakota has seven judicial circuits (map on following page), 43 circuit judges and 15 full-time magistrate judges and 1 part-time magistrate judge. Circuit court judges are elected by the voters within the circuit where they serve. The judges must be voting residents of their circuit at the time they take office. In the event of a vacancy, the Governor appoints a replacement from a list of nominees selected by the Judicial Qualifications Commission.

**Seven Presiding Judges and 36 Circuit Court Judges in seven Circuits  
have the following:**

- ◆ Original jurisdiction in all civil and criminal actions,
- ◆ Exclusive jurisdiction in felony trials, arraignments and all types of civil actions except areas of concurrent jurisdiction shared with magistrate courts, and
- ◆ Appellate jurisdiction over magistrate court decisions.

## MAGISTRATE COURT

Magistrate courts assist the circuit courts in disposing of misdemeanor criminal cases and minor civil actions. These courts have limited jurisdiction but make the judicial system more accessible to the public by providing a means of direct court contact for the average citizen. The jurisdiction of the magistrate court varies depending on whether a magistrate judge or a clerk magistrate presides. Clerk magistrates are not attorneys but are clerks who receive specialized training. They provide functions that need to be handled expeditiously. Both magistrate judges and clerk magistrates are appointed by the presiding judge.

**Magistrate Judges:**

*15 full-time and one part-time in 7 circuits:*

- ◆ Are Committing magistrates for all courts;

**Conducts:**

- ◆ Preliminary hearings for all criminal prosecutions;
- ◆ Trials of criminal misdemeanor;
- ◆ Trials of civil actions if the debt, damage, claim or value of the property involved does not exceed \$12,000; and
- ◆ Small claims proceedings if the debt, damage, claim, or value of the property involved does not exceed \$12,000.

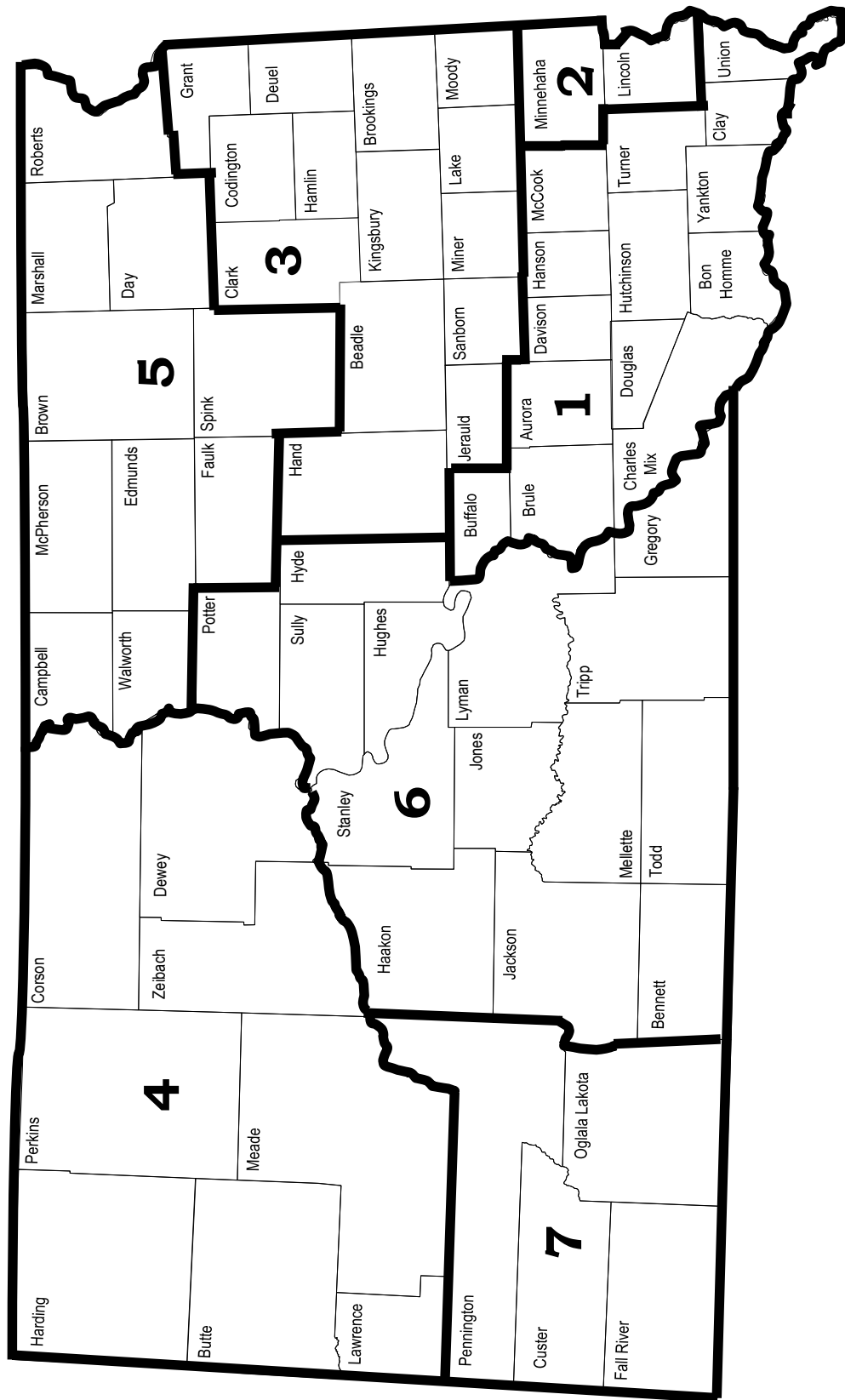
**Clerk Magistrates:**

*Functions usually performed by clerks:*

Concurrent jurisdiction with magistrate courts to:

- ◆ Receive depositions;
- ◆ Issue warrants;
- ◆ Conduct certain preliminary hearings;
- ◆ Set bail;
- ◆ Appoint counsel;
- ◆ Accept pleas for Class 2 misdemeanors;
- ◆ Conduct hearings for petty offenses;
- ◆ Render judgments for uncontested small claims, and
- ◆ Perform marriages.

# South Dakota Judicial Circuits and Counties



**Table 3. South Dakota Unified Judicial System**  
**Statewide Workload**  
*Five-Year Caseload Filings*

	FY2014 Filings <sup>2</sup>	FY2015 Filings	FY2016 Filings	FY2017 Filings	FY2018 Filings
Class 2 Misdemeanor Non-Contested <sup>1</sup> Filings	79,972	88,747	92,154	94,561	86,150
Class 2 Misdemeanor Contested <sup>1</sup> Filings	25,241	23,576	22,291	19,670	29,634
Class 1 Misdemeanor Filings	20,518	20,979	22,055	21,884	22,144
Felony & Extradited Filings	9,413	10,392	10,800	11,512	12,259
<b>TOTAL CRIMINAL</b>	<b>135,144</b>	<b>143,694</b>	<b>147,300</b>	<b>147,627</b>	<b>150,187</b>
Divorce Filings	4,646	4,479	4,447	4,413	4,032
Protection Order Filings	3,995	4,352	4,647	4,589	4,549
Modification Proceedings/UIFSA Filings	7,561	7,059	7,376	7,342	6,364
Juvenile Dependency & Neglect Filings	600	608	567	562	662
Juvenile Delinquency & CHINS Filings	6,191	5,733	4,381	4,177	4,418
Juvenile Citations <sup>3</sup>	N/A	N/A	N/A	2,643	1,519
Adoptions/Guardianships/Trusts Filings	960	869	1,554	1,327	1,254
Probate (Informal) Filings	2,183	2,321	2,108	2,202	2,208
Probate (Formal) Filings	256	261	253	260	242
Mental Illness & Drug & Alcohol Commitment Filings	4,297	4,730	5,005	4,789	4,971
Civil Filings	13,062	13,590	13,699	13,189	14,227
Small Claims Filings	25,852	28,903	27,701	28,916	26,111
Search Warrants	2,065	3,055	3,711	3,765	4,178
Administrative Appeals & Expungements	202	133	235	186	168
<b>TOTAL CIVIL FILINGS</b>	<b>71,870</b>	<b>76,093</b>	<b>75,684</b>	<b>78,360</b>	<b>74,903</b>
<b>TOTAL CRIMINAL &amp; CIVIL FILINGS</b>	<b>207,014</b>	<b>219,787</b>	<b>222,984</b>	<b>225,987</b>	<b>225,090</b>
<b>MISCELLANEOUS ACTIVITIES</b>					
Supreme Court Appeals	290	282	298	271	243
Record Searches & Money Judgment Searches	189,172	201,333	153,499	192,131	204,680
Passport Applications	829	962	629	724	722
Weddings	765	787	824	632	524

<sup>1</sup> Includes petty offense filings and municipal ordinance violations.

<sup>2</sup> Beginning in FY2014, statewide caseload filings reflect data from the new Odyssey Case Management System.

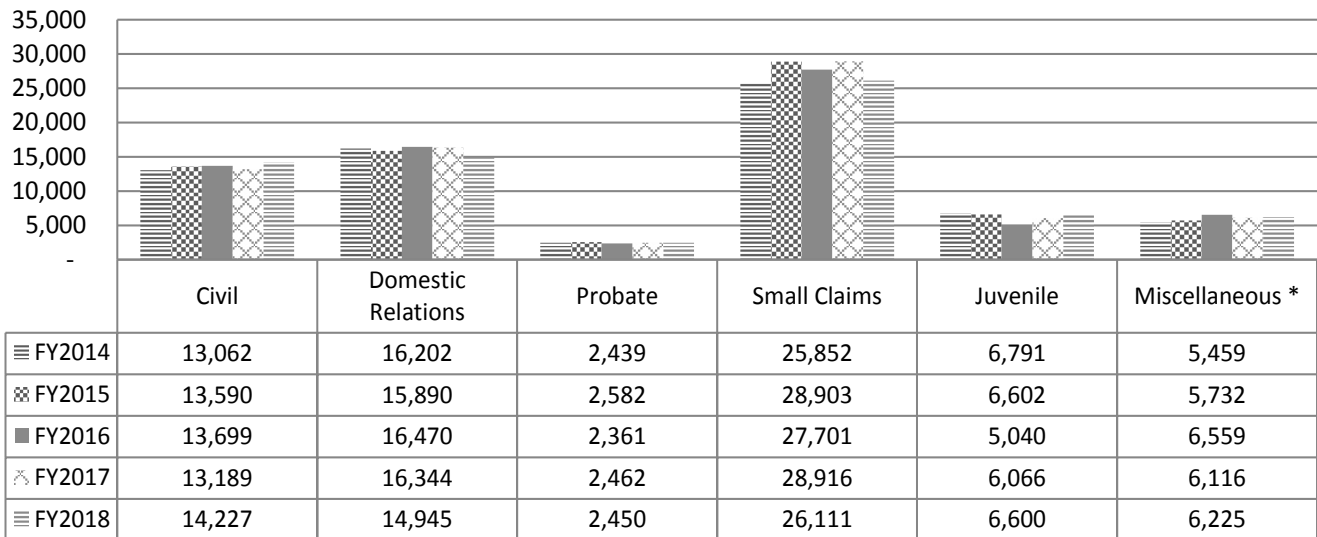
<sup>3</sup> Beginning in FY2017, Juvenile Citations were included.



## Civil Caseload

The following chart compares various types of civil (non-criminal) and juvenile caseload filings for the past five fiscal years.

**Chart 6. Civil Caseload Comparison**

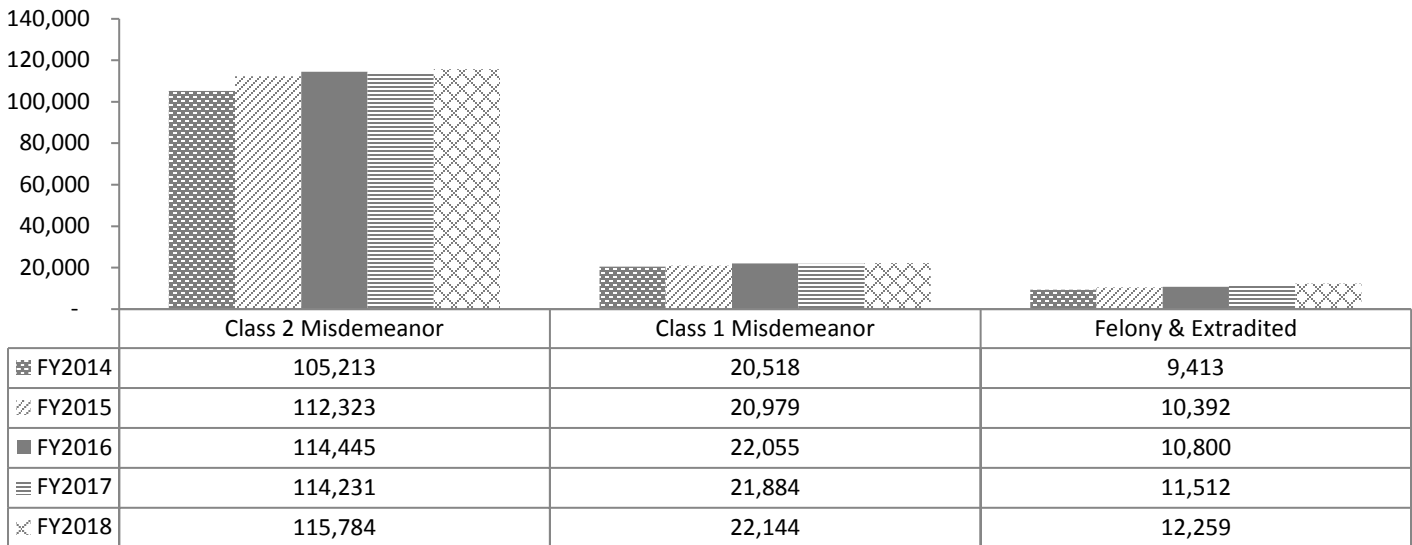


*\* Miscellaneous includes Adoptions/Guardianships/Trusts, and Mental Illness and Drug & Alcohol Commitment filings.*

## Criminal Caseload

The following chart below compares criminal case filings for the past five fiscal years.

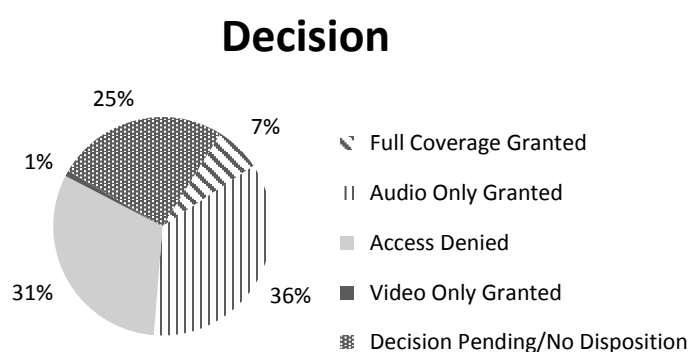
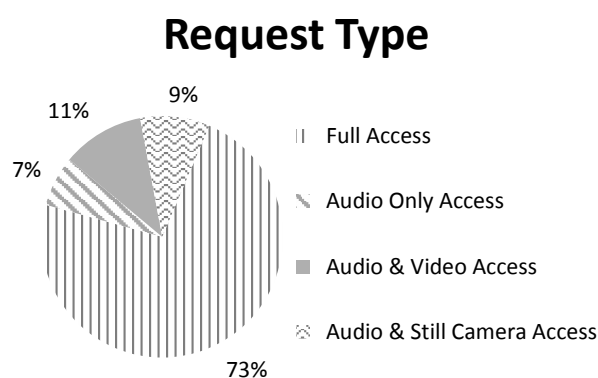
**Chart 7. Criminal Caseload Comparison**



**Table 4. Expanded Media Coverage Summary Statewide  
South Dakota Unified Judicial System  
FY2012 through FY2018 Combined**

The Supreme Court of South Dakota adopted court rules effective July 1, 2011, that allowed for the expanded media coverage of the trial courts in South Dakota. Under these rules expanded media coverage consisting of audio, still photo, or video coverage is allowable when parties and the court all agree that such coverage should be permitted. In addition, audio coverage of a proceeding is allowed when the court determines that such audio coverage is appropriate, even if all parties have not consented to expanded media coverage. Under either option, certain proceedings such as juvenile hearings and portions of other proceedings closed by state law are not subject to expanded media coverage. The judge also retains the power to terminate coverage if such action is determined appropriate. The Supreme Court has permitted expanded media coverage of its proceedings since 2001. The information below is a summary of the requests in the trial courts since FY2012.

CIRCUIT	1st	2nd	3rd	4th	5th	6th	7th	TOTAL
<b># of Requests Received</b>	<b>23</b>	<b>58</b>	<b>14</b>	<b>2</b>	<b>10</b>	<b>5</b>	<b>6</b>	<b>118</b>
<b>Request Type:</b>								
Full Access	15	50	7	1	6	1	6	86
Audio Only Access	1	0	6	0	1	0	0	8
Audio & Video Access	4	7	0	0	0	2	0	13
Audio & Still Camera Access	3	1	1	1	3	2	0	11
<b>Decision:</b>								
Full Coverage Granted	0	5	2	0	0	1	0	8
Audio Only Granted	9	27	2	0	1	3	0	42
Access Denied	10	11	1	2	6	1	6	37
Video Only Granted	0	1	0	0	0	0	0	1
Decision Pending/No Disposition	4	14	9	0	3	0	0	30



## RECEIPTS

Chart 8 below shows various types of receipts for the past five fiscal years. (See Appendix A for definitions of receipt categories or the website for further receipt information by county and circuit).

**Chart 8. Court-Appointed Attorney Fees, Cash Fees and Restitution Receipts**

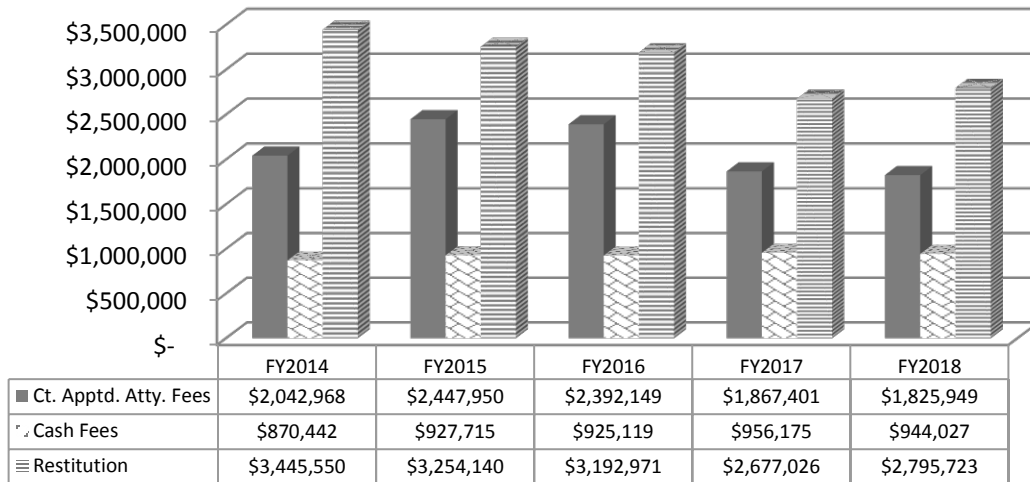
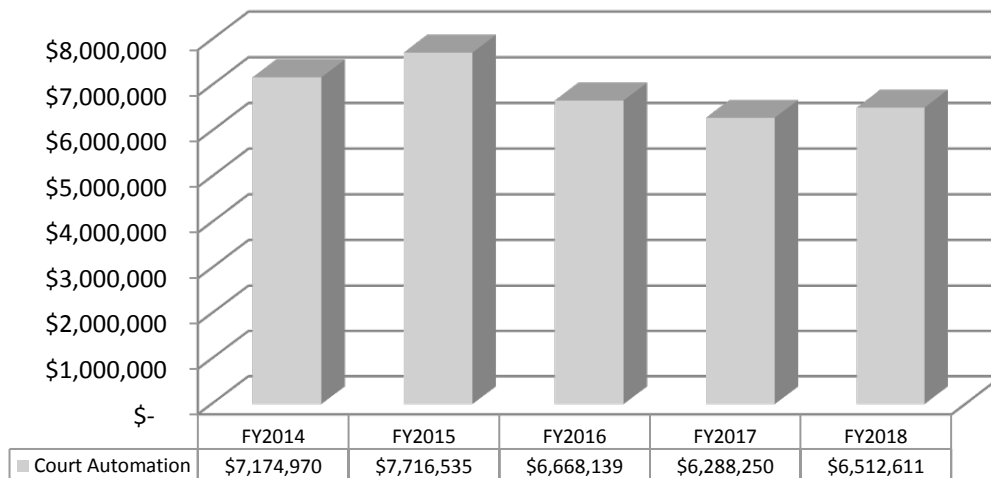


Chart 9 below shows court automation receipts for the past five fiscal years. Court Automation is a surcharge assessed on all criminal prosecutions and civil actions to fund court automation costs including development of the new statewide case management system.

**Chart 9. Court Automation Receipts**



## DISBURSEMENTS

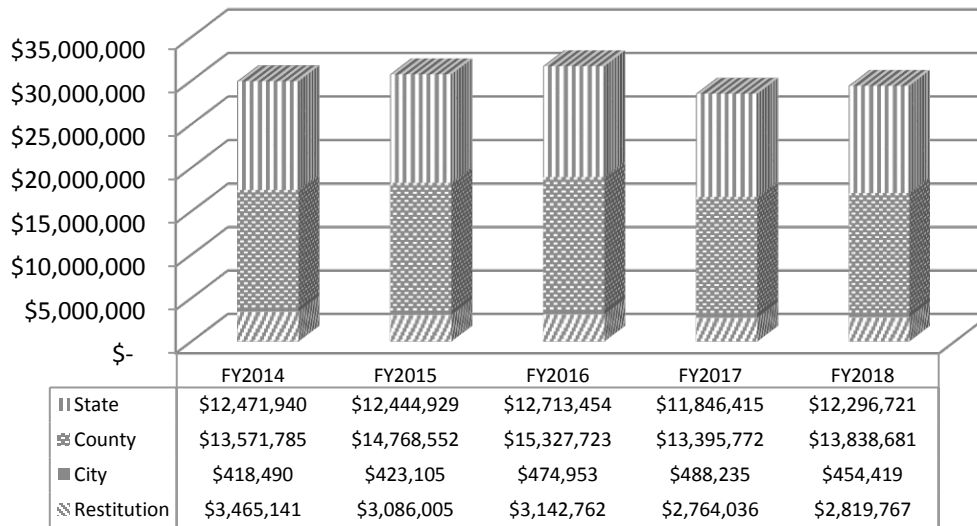
Charts on this page illustrate the volume of receipts disbursed by clerks of court.

***Disbursements to cities*** are primarily city fines collected by the court system. The amount remitted to the cities is 65% of the total city fines, forfeitures, and penalties and 100% of city costs. The remaining 35% is remitted to the state general fund.

***Disbursements to the state*** include liquidated costs and the 35% of city fines mentioned above.

***Disbursements to counties*** include state fines - including funds returned to school districts in accordance with Article VIII, § 3, of the South Dakota Constitution - costs, forfeitures, and various fees for civil filings.

**Chart 10. Select Revenue Disbursements**



**Table 5. CLERK OF COURT RECEIPTS AND DISBURSEMENTS COMPARISON**

<b>RECEIPTS \$\$\$</b>	<b>FY2014</b>	<b>FY2015</b>	<b>FY2016</b>	<b>FY2017</b>	<b>FY2018</b>
ADULT COMPACT FEES	15,011	19,558	19,523	20,200	21,250
ALIMONY	3,123	2,135	12	562	12
CASH FEES	870,442	927,715	925,119	956,175	944,027
CHILD SUPPORT *	4,920	6,404	8,276	20,800	6,850
CITY COSTS	8,018	1,715	7,653	6,116	7,331
CITY FINES	607,374	664,379	701,221	746,866	666,878
CITY FORFEITURES	-	52	163	426	-
CITY PENALTIES	17,596	10,047	13,864	7,364	6,032
CIVIL PASS THROUGH	51,559	3,447	3,583	391,507	15,448
CIVIL PENALTIES	-	1,050	50	300	150
COLLECTIONS AGENCY PASS THROUGH	-	-	-	31,761	24,848
COUNTY COSTS	530,342	614,233	638,461	586,535	641,192
COUNTY FINES	8,624	10,494	9,193	10,043	10,012
COUNTY FORFEITURES	1,445	1,460	4,250	1,775	6,490
COUNTY PENALTIES	92	181	465	435	217
COURT APPOINTED ATTORNEY FEES **	2,042,968	2,447,950	2,392,149	1,867,401	1,825,949
DIVORCE FEES	125,010	120,827	124,513	121,500	117,400
DOMESTIC ABUSE SURCHARGE	15,294	16,721	17,840	14,889	15,170
DRAW DOWN ACCOUNTS	3,828,912	4,276,153	4,546,096	4,824,266	5,466,796
DRUG CONTROL FEE	94,557	133,924	139,671	115,434	128,992
DRUG TEST FEES AND MONITORING FEES	858,811	11,222	14,452	14,231	14,070
DUI COST	-	-	119,674	192,450	213,468
INTEREST-BEARING TRUST FUNDS	220,168	89,935	914	257	237,473
LAW LIBRARY FEES	127,288	133,054	137,615	158,205	140,507
LIQUIDATED COSTS	3,937,949	4,237,365	4,265,589	4,022,346	3,976,940
MARRIAGE FEES	15,300	15,740	16,240	12,450	10,480
CHILD SUPPORT MODIFICATION FEES	57,987	60,550	56,260	59,830	111,525
NSF CHECK CHARGES	5,621	5,190	6,341	6,008	4,315
OTHER-OVERPAYMENTS	51,525	20,167	21,647	21,578	16,193
PASSPORT FEES	20,725	24,050	19,150	18,303	17,955
PETTY OFFENSE	225,401	241,733	216,967	219,537	313,371
POSTAGE (SMALL CLAIMS)	189,088	220,150	226,550	302,259	229,991
POSTED BONDS	7,555,175	10,381,817	8,601,411	8,742,973	12,427,217
RESTITUTION	3,445,550	3,254,140	3,192,971	2,677,026	2,795,723
SEARCH FEE - LEOTF	-	-	1,015,989	956,945	1,020,138
SFPD - DRUG FEE	-	-	10,854	27,124	22,318
STATE COSTS	112,443	80,618	79,828	97,811	65,308
STATE FINES	8,543,243	9,165,259	9,150,775	7,971,397	8,132,943
STATE FORFEITURES	341,218	495,048	445,832	449,867	430,369
STATE PENALTIES	754,808	711,927	953,236	876,137	834,609
SURCHARGE-COURT AUTOMATION	7,174,970	7,716,535	6,668,139	6,288,250	6,512,608
SURCHARGE-VICTIM COMPENSATION	242,590	261,970	263,906	247,257	245,067
TRUST FUND	-	-	451,069	13,976	318,970
<b>TOTAL RECEIVED \$\$\$</b>	<b>\$42,105,146</b>	<b>\$46,384,916</b>	<b>\$45,487,510</b>	<b>\$43,100,570</b>	<b>\$47,996,603</b>
<b>DISBURSEMENTS \$\$\$</b>	<b>FY2014</b>	<b>FY2015</b>	<b>FY2016</b>	<b>FY2017</b>	<b>FY2018</b>
ALIMONY	1,000	4,258	12	562	12
BOND REFUNDS (Converted Bonds, Odyssey)	6,962,636	10,533,368	8,313,347	8,591,690	11,112,930
CHILD SUPPORT *	4,920	6,404	8,276	20,800	6,850
CIVIL PASS THROUGH	51,559	3,447	3,583	220,264	77,463
COLLECTIONS AGENCY PASS THROUGH	-	-	-	26,464	26,710
DRAW DOWN ACCOUNTS	3,779,937	4,296,975	4,370,656	4,783,247	5,352,582
INTEREST-BEARING TRUST FUNDS	610,000	195,603	640,531	-	230,260
OVERPAYMENTS	50,252	21,085	21,767	22,552	16,724
REMIT TO SFPD	-	-	9,095	25,712	22,255
REMITTED TO ATTORNEY GENERAL (DRUG FUND)	90,826	130,599	139,835	118,545	128,152
REMITTED TO CITY	418,490	423,105	474,953	488,235	454,419
REMITTED TO COUNTY	13,571,785	14,768,552	15,327,723	13,395,772	13,838,681
REMITTED TO STATE	12,471,940	12,444,929	12,713,454	11,846,415	12,296,721
RESTITUTION	3,465,141	3,086,005	3,142,762	2,764,036	2,819,767
SMALL CLAIMS POSTAGE	188,144	215,895	226,510	238,981	236,519
TRUST FUND	-	295,211	427,121	27,003	-
<b>TOTAL DISBURSED \$\$\$</b>	<b>\$41,666,632</b>	<b>\$46,425,435</b>	<b>\$45,819,625</b>	<b>\$42,570,276</b>	<b>\$46,620,045</b>

\* Reduction in Child Support collection reflect statutory changes shifting collection responsibilities to Department of Social Services effective October 1, 1998.

\*\* The Court Appointed Attorney Fees included on this page include only those amounts collected by the Unified Judicial System. These amounts do not include payments made directly to county auditors or treasurers, city collection agents, or sums recovered by counties pursuant to a statutory lien.

**Table 6. Court Services Activities - FY2014 to FY2018**

SERVICE CATEGORIES	FY2014	FY2015	FY2016	FY2017	FY2018
<b>Juvenile Service:</b>					
Pre-hearing Social Case Studies	422	233	119	147	98
90-Day Diversion Services Added	479	676	673	502	572
Placed on Probation During	2,117	1,777	1,323	1,465	1,546
Active Probation Cases at End of FY	1,621	1,156	649	647	780
Restitution Collected	\$181,106	\$154,667	\$115,720	\$100,424	\$90,415

<b>Case Services Monitoring:</b>					
Placed in Program During FY	222	284	220	139	154
Active Cases at End of FY	162	118	64	62	85
Interstate Compact Cases-In	13	20	19	16	7
Interstate Compact Cases-Out	46	43	25	16	23

<b>Intensive Probation:</b>					
Placed In Program During FY	158	108	180	138	116
Transferred In	8	13	0	0	0
Transferred Out	11	17	0	0	0
JIPP Unavailable	7	8	7	3	5
Successfully Completed Program	67	65	72	68	44
Failed Program and sent to DOC	72	59	42	20	19
Failed Program (Other)	11	14	34	64	44
Active Cases at End of FY	120	86	111	91	94

<b>Adult Service, Misdemeanor:</b>					
Pre-Sentence Investigation Reports	112	127	87	105	92
Placed on Probation	665	532	361	370	321
On Probation at End of FY	832	722	630	569	507
Restitution Collected	\$1,230,641	\$1,126,246	\$944,669	\$719,839	\$882,719

<b>Adult Service, Felony:</b>					
Pre-Sentence Investigation Reports	2,722	2,986	3,099	3,037	3,127
Placed on Probation	2,554	3,157	3,106	3,367	3,811
On Probation at End of FY	4,849	5,528	5,708	5,874	6,052
Restitution Collected	\$1,863,493	\$1,800,539	\$1,029,776	\$880,026	\$916,093

<b>Case Services Monitoring Program (F&amp;M):</b>					
Placed in Program	484	614	481	118	102
Active Cases at End of FY	1,419	1,466	1,272	466	233

<b>Adult Interstate Compact Caseload (F&amp;M):</b>					
Total Placed on Probation - In & Out	265	244	240	301	294
On Probation at End of FY	997	1,054	1,070	1,142	1,110

## STANDARD PROBATION SUPERVISION COSTS

### FY2018 Court Services Department (Personal, Operating & Community Based & Juvenile Home Based Services)

#### 113 Court Services Officers

Juvenile cases under supervision at end of FY2018	989
Adult cases under supervision at end of FY2018	<u>7,902</u>
Total # of cases under supervision at the end of FY2018	8,891

Juvenile Social Histories (average 11 hours per)	98
Adult Felony Pre-Sentence Investigations (average 11 hours per)	3,127
Misdemeanor Pre-Sentence Investigations (average 3 hours per)	92

#### FY 2018 Expenditures (actual)

Personal Services	\$ 9,390,500
Operating Services	333,342
Community Based Services	<u>499,239</u>
Total	\$10,223,081

Cost per Court Services Officer hour	\$43.50
Cost per Social History	\$478.50
Cost per Felony Pre-Sentence Investigation	\$478.50
Cost per Misdemeanor Pre-Sentence Investigation	\$130.50

Total Cost of Prepared Reports for FY2018	\$ 1,555,170
Total Cost for Supervision for FY2018	\$ 8,667,911



## **STANDARD PROBATION SUPERVISION COSTS (Cont.)**

### **FY2018 Average Daily Cost of Standard Probation Supervision**

#### **Adult**

- Intensive Probation \$13.90 per day
- High Supervision (1.62 hours per month) \$ 3.24 per day
- Medium Supervision (1.17 hours per month) \$ 2.34 per day
- Low Supervision (0.44 hours per month) \$ .88 per day
- Administrative Supervision (0.27 hours per month) \$ .54 per day
- Case Service Monitoring (0.09 hours per month) \$ .18 per day

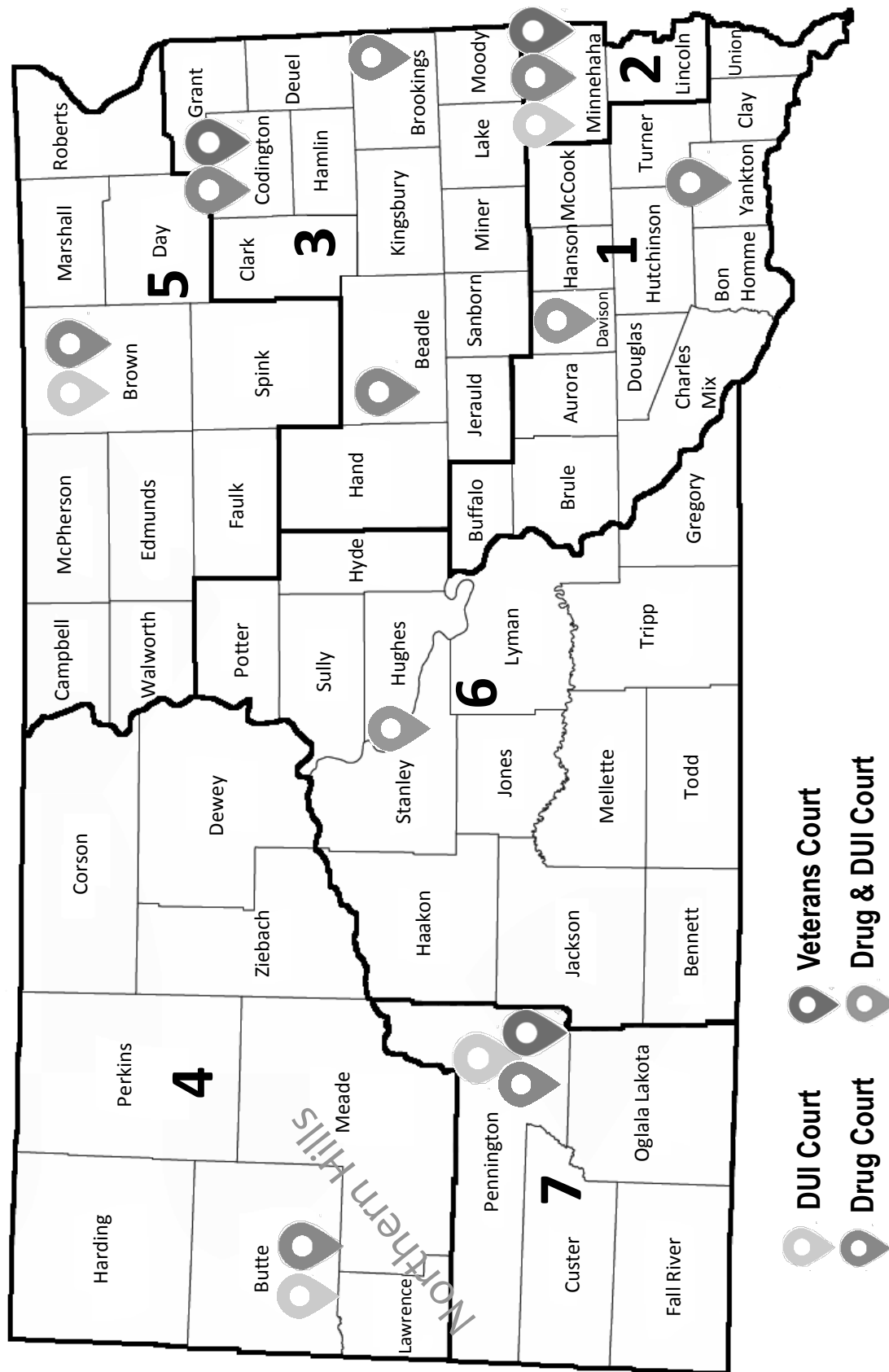
#### **Juvenile**

- Intensive Probation \$17.39 per day
- High Supervision (1.78 hours per month) \$ 3.56 per day
- Medium Supervision (1.63 hours per month) \$ 3.26 per day
- Low Supervision (0.71 hours per month) \$ 1.42 per day
- Administrative Supervision (0.33 hours per month) \$ .66 per day
- Informal Diversion Case (0.23 hours per month) \$ .46 per day
- Case Services Monitoring (0.10 hours per month) \$ .20 per day

**Average Cost of Supervision – All Categories  
\$3.74 average per day**

# Problem Solving Courts Map

## South Dakota Unified Judicial System



Revised 5/18/2018

## APPENDIX A

### **Definitions of Receipt Categories**

**Adult Compact Fees:** A fee of \$50.00 charged to all South Dakota supervised felony and applicable misdemeanor cases/clients who request a transfer of their probation supervision to another state.

**Alimony Payments:** An allowance for support made under court order to a legally separated or divorced person by the former provider. Monies received are receipted and disbursed to the person as provided by the court order.

**Cash Fees:** Fees charged for filing various civil actions. This money is paid into the county general fund.

**Child Support:** Payments ordered by the court from one party in a divorce action to the other party as financial support for the children involved. Effective October 1, 1998, all child support payments made as a result of a new or modified court order will be processed through the South Dakota Department of Social Services.

**Child Support Modification Fees:** A \$50 fee for any petition or motion to modify a child support order. This fee is deposited into the "equal access to our courts" fund to be awarded as grant funds to legal services entities.

**City/County Fines/Penalties:** Fines/penalties collected for city/county ordinance violations. City/county fines/penalties are paid into the city/county general fund (65%) and state general fund (35%) for services provided by the Unified Judicial System.

**City/County Costs:** Costs levied in conjunction with city/county fines as reimbursement to the city/county for an identifiable amount spent by the city/county in prosecuting a case. These funds are paid into the city/county general fund.

**City/County Forfeitures:** Forfeitures of bail bonds posted for violations of city/county ordinances. These funds are paid into the city/county general fund (65%) and state general fund (35%).

**Victims Compensation Fund:** A charge of \$5.00 assessed against a defendant in any criminal action which resulted from a violation of state law or county or municipal ordinance (except parking violations), and which is used to assist crime victims to recover some of the costs they incurred as a result of the crime.

**Court-Appointed Attorney Fees:** Costs recovered from defendants to reimburse the county general fund for payment of the defendant's court-appointed attorney. The money is paid to the county treasury.

**Divorce Fees:** A fee of \$50.00 charged for filing a divorce action. Half of the fee is deposited in the county domestic abuse program fund and the remaining half in the county general fund.

**Draw Down Accounts:** Deposit accounts created by law firms, businesses and other individuals to pay for filing fees, small claims fees, postage, record searches and other miscellaneous charges.

**Drug Control Fee:** Fees paid to the Attorney General to be deposited in the Drug Control Fund for the purpose of assisting local law enforcement agencies in drug control and drug offender apprehension efforts.

**Drug Testing and Monitoring Fees:** Fees charged to probationers to cover the cost of drug testing or monitoring while on probation.

**DUI Costs: (32-12-48):** If a defendant is convicted driving under the influence, at the conclusion of the period of revocation ordered by the court and if future proof is filed with the Department of Public Safety as required by chapter 32-35, the defendant may submit an application for a driver license, accompanied by a fee of seventy-five dollars if revocation of the license was for a conviction under § 32-23-2, one hundred twenty-five dollars if revocation of the license was for a conviction under § 32-23-3, or one hundred seventy-five dollars if revocation of the license was for a conviction under § 32-23-4, 32-23-4.6, or 32-23-4.7.

**Interest-Bearing Trust Funds:** Interest-bearing money deposited with a clerk pending a decision regarding ownership.

**Law Library Fee:** A fee of \$2.00 or \$5.00 charged in addition to the civil case filing fee and used to support the county law library.

**Liquidated Costs:** 23-3-53. Collection by clerk of courts-Transmittal to state treasurer-Disposition. After a determination by the court of the amount due, the clerk of courts shall collect the amount due and transmit monthly to the state treasurer. The state treasurer shall place thirty dollars of the forty dollar fee into the law enforcement officers training fund, six dollars of the forty dollar fee into the court-appointed attorney and public defender payment fund, two dollars of the forty dollar fee into the court-appointed special advocates fund, one dollar of the forty dollar fee into the 911 telecommunicator training fund, and one dollar of the forty dollar fee into the abused and neglected child defense fund.

**Marriage Fees:** Fees collected for processing marriage license applications. These funds are paid into the state general fund.

## APPENDIX A (Cont.)

**Modification Petitions and Motions Fees (Except Title 28 benefits):** A fee of \$50.00 for child support modification filings. These funds are paid into the state general fund.

**NSF Check Charges:** A fee of \$30.00 charged to a person who issues to the state or a political subdivision a check or other draft that is not honored by the person's bank.

**Other-Overpayments:** Collections that do not fit any of the foregoing categories.

**Passport Fees: 16-2-27.1.** Fees collected for processing U.S. passport applications. These funds are paid into the state general fund.

**Petty Offense Judgment:** A judgment of \$20.00 assessed for minor state violations designated as petty offenses. The money is deposited in the county treasury.

**Postage-Small Claims:** Postage fees charged for processing small claims actions.

**Posted Bonds:** Bonds are posted in conjunction with a criminal case. This money is either forfeited, used to pay subsequent fines and costs, or returned to the defendant or depositor. Undertakings are posted in civil cases and appeals. Non-interest trusts are posted until the legal owner is determined or located. Court appointed attorney fees are posted as pre-payment for future CAAF costs incurred.

**Restitution:** Money which the court collects from a defendant to reimburse the victim for monetary loss caused by the crime. The money is paid to the victim.

**State Costs:** Money which the court collects from a defendant to reimburse the victim for monetary loss caused by the crime. The money is paid to the victim.

**State Fines/Penalties:** Fines/penalties collected for violation of state laws. These fines and penalties are paid to the county treasury for eventual transfer to the school district of the county in which the violation occurred.

**State Forfeitures:** Forfeitures of bonds posted for violations of state law. This money is paid into the county general fund.

**Surcharge-Court Automation Fund: 16-2-39.** A fee on all criminal prosecutions and civil actions to fund court automation costs. The following is the court automation fee schedule (updated June 30, 2015):

Civil actions, probate proceedings, other judicial proceedings	\$40.00	All Class 2 misdemeanors (violation of state law)	\$23.50
Small claims where the amount in controversy is: \$0 to \$3,999.99	\$ 6.00	All violations of county or municipal ordinances	\$17.50
\$4,000 to \$12,000	\$ 8.00	All violations of administrative rules with criminal penalties	\$17.50
All felony criminal cases	\$61.50	All appeals, original actions or other actions filed with the Supreme Court	\$50.00
All Class 1 misdemeanors	\$41.50		

**–Electronic Filing Fees:** A fee of \$1.00 per page (\$10 minimum) for incoming fax filings. A fee of \$1 per page (\$5 minimum) for outgoing electronic transmission of any opinion, record, or paper from an active or inactive file in the clerk's custody.

**–Record Searches: 16-2-29.5.** A fee of \$20.00 for each name search of court records if the search is requested by a person who is not a party named in a state or federal action. \$15.00 of the \$20.00 fee goes to the Court Automation Fund and \$5.00 goes to the law enforcement officers training fund. A fee of \$5.00 for each name search of court records if the search is being conducted in conjunction with a state or federal court action and the person making the records search request so certifies.

**–Web Judgment Searches:** A fee of \$4 for each name or date search for civil judgments and \$1 per judgment card.

**–Non-Resident Attorney Admissions:** A \$100.00 portion of the \$200.00 admission fee is paid to the Supreme Court and the remaining \$100.00 portion is paid to the state bar.

**Surcharge-Victims Compensation Fund:** A fee of \$25.00 assessed to any defendant convicted of a crime involving domestic violence or domestic abuse. This money is paid to the county domestic violence program fund.

*\*Most receipts collected according to SDCL 16-2-29, unless otherwise noted.*

## APPENDIX B – Web Resources

<http://ujis.sd.gov>

Visit the UJS website for further information

Bench Personnel by Judicial Circuit
Court Appointed Attorney Costs
Expenditures & Repayment for Court Appointed Attorney Costs
Civil Caseload Detail
Protection Order Filings
Abuse & Neglect Petitions
Criminal Caseload Detail
DUI Cases
Traffic Violations Summary
Insufficient Funds
Failure to Maintain Financial Responsibility Arrests (No proof of insurance)
Tobacco Violations
Court Services Detail

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